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SUBJECT: SOME PROGRESS ON HUMAN RIGHTS COMMISSION LAW  
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Classified By: Deputy PolCouns Ellen Germain for reasons 1.4 (b) and (d)  
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11. (C) SUMMARY: The High Commission on Human Rights law received its second reading in the Council of Representatives (CoR) on February 13, almost a year after its first reading. According to members of the CoR Human Rights Committee, the third and final reading should take place shortly after the CoR recess ends in mid-March. The draft law in play is the Committee's draft, which would create a stronger human rights commission than was proposed in the Ministry of Human Rights' draft law. However, some Shi'a Alliance CoR members reportedly introduced amendments during the second reading designed to weaken the commission. Voting on the law, article by article, and the amendments will take place during the third reading. According to CoR Committee members and Prime Minister Advisor Gorges Bakoos, the commission should not take the place of the Ministry, but should instead supplement its work. Post is engaged with international partners in monitoring of the law and in planning for training programs and support for the commission.

12. (C) The High Commission on Human Rights (HCHR) law received a second reading in the Council of Representatives (CoR) on February 13. This was the Human Rights Committee's version of the law, which maintains the existence of the Ministry of Human Rights, but also envisions a stronger and more independent commission than that described in the Ministry of Human Rights' (MoHR) version of the HCHR law. Since the unsuccessful attempt at a second reading in October 2007 (reftel), there had been little indication until now as to which version would emerge from the Shura council and be read in the CoR. As reported reftel, the MoHR had submitted a package of three laws to the Shura: one formally creating a Ministry of Human Rights (which already exists, but only by virtue of having been established by CPA Order 60, not by Iraqi law), one establishing a HCHR, and one establishing a National Institute for Human Rights. This package has been in the Shura Council for months, and according to Minister of Human Rights Wijdan Salim on March 3, the Shura is trying to combine the three laws into one.

13. (C) The Committee's version of the HCHR law was initially drafted with help from the UN Assistance Mission for Iraq (UNAMI). Suggestions from UNAMI and the UK Embassy for strengthening the human rights commission established by the law were adopted by the Committee and inserted in the draft for the second reading. As it stands, the law would mandate a reasonably strong and independent commission. However, according to Shatha Al-Obosi (IIP), member of the Human Rights CoR Committee, some Shi'a Alliance members introduced amendments to the law during the second reading that would weaken the commission (NFI). These amendments will be read during the third reading, and voting will take place article by article.

¶4. (C) There has been speculation as to whether this commission would replace the MoHR. During the second reading of the HCHR law, some CoR members expressed dissatisfaction with the law, questioning the necessity for a commission and a ministry. Several, including Speaker Mashadani, questioned the existence of the Ministry. The MoHR has been at the top of the list of ministries that may be dissolved in a cabinet reshuffling move by the PM. According to UNAMI Human Rights Chief Hania Mufti, many sources within the GoI say the MoHR will be dissolved, but Minister of Human Rights Wijdan will become an advisor to the PM due to her loyalty to Maliki. Although the version of the law that underwent its second reading does not eliminate the MoHR, Wijdan recently told PolOff she is very concerned that the CoR committee version of the law will in fact dissolve her ministry, and she is refusing to meet with the CoR committee to discuss the HCHR law. However, the committee told PolOff that they do not want the commission to replace the ministry. They see a role in the human rights field for both organizations. George Bakoos, an advisor to the PM, told PolOff on February 26 that the PM's office wants a commission as well as a ministry. While Bakoos said the PM's Office welcomes the existence of a human rights commission in Iraq, he questioned whether an independent commission would be able to play a strong role in Iraq now, saying that it would be more effective in the future "when Iraq is ready" for effective, independent organizations. He said that the ministry's place in the cabinet gives human rights issues more importance in the government and allows government officials direct access to those (i.e. Minister Wijdan) responsible for human rights.

¶5. (C) The European Commission (EC) has allocated about \$30 million for establishment of the commission. This money can be administered by various actors, including the UN. Among other things, the allocation includes funding to help draft the implementing regulations for the commission, which will dictate how independent the commission will be and what enforcement powers it will have. UNAMI had a three-year plan for supporting the commission, but that funding was reallocated due to the delays in passing the law and now can only be reissued after October 2008. USAID has a contractor working in capacity-building with the MoHR, and the funding allocated for MoHR capacity-building is transferable to the HCHR if the Ministry were to be dissolved.

¶6. (C) COMMENT: After much delay between the first and second reading of the HCHR law, some progress has finally been made. There is some speculation that rumors of the MoHR being dissolved may have paved the way for the second reading of the CoR committee version, which retains the existence of the MoHR. The committee version creates a more independent and stronger commission than the Ministry's draft would have allowed, but there are fears that the proposed amendments will weaken it. While the HCHR, if established, will likely be weak its first few years, if the legislation and implementing regulations are strongly worded, the commission will be able to grow into a strong institution. END COMMENT.  
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